

REMARKS

Reconsideration of the present application is respectfully requested in view of the following comments.

1. Amendment to Claim 1

The amendment to claim 1 has been submitted to improve the clarity of the subject matter for which protection is sought. The amendment was not made to avoid the cited prior art references, as it is believed that the original claims 1-16 are fully patentable over the cited prior art. Rather, in reviewing the claim language it was perceived that some of the language could be improved to more clearly define the inventive subject matter.

More specifically, claim 1 has been amended to recite that the “at least one search assistant” is “human.” In reading the Examiner’s comments in the Action, it appears that the Examiner has interpreted the phrase “at least one human search assistant” to denote an assistant that is provided to assist humans. It will be pointed out that the search assistant not only assists humans, but is human in nature.

Applicant directs the Examiner to the Summary of the Invention (page 3, line 29 through page 6, line 5) which fully describes at least some of the inventive features of the above-application. Applicant submits that the phrase “at least one human search assistant” properly defines the invention in the manner described in the written specification, however, for purposes of specificity, Applicant has thus amended the claim 1 in the manner described above.

It is to be noted that the Examiner did not raise any objections with regard to the language of the original claims under 35 U.S.C. § 112 or any other part of the patent laws and regulations.

Acceptance of the amendment to claim 1 is respectfully requested in the next communication by the Examiner.

2. Rejection of claims 1-3, 5, 7, 8, 9, 13 and 16 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,991,739 (Cupps et al.)

Claims 1-3, 5, 7, 8, 9, 13 and 16 currently stand rejected as being obvious over the disclosure of Cupps et al. Applicant respectfully traverses this rejection on the basis that Cupps et al. fail to describe or suggest a method for searching information on the Internet, as recited in claim 1 of the present application. Claims 2-16 are thus patentable based on their dependency from claim 1 and their individually recited features.

a. Claim 1

Claim 1 generally relates to a method for searching information on the internet. The method comprises using at least one search assistant to help a user when searching for information on the internet, wherein such human search assistant is human and a specialist in searching on the internet

b. Disclosure of Cupps et al.

In the Action, the Background of the Invention in the disclosure of Cupps et al. is used as a basis for the rejection of the above-identified claims. First, it will be pointed out that there is no disclosure or suggestion in the disclosure of Cupps et al. of using a human search assistant to assist a user when searching on the Internet. Instead, it is clear that the methods and systems described by Cupps et al. comprise of software configured for ordering from the Internet and machines for executing the such software.

In view of the comments provided in the Action, it appears that there is clearly a misunderstanding of the phrase "human search assistant" originally recited in claim 1 of the present application. This is due to the fact that there is simply no finding as

to the specific understanding or principle within the knowledge of the skilled artisan that would have provided the motivation to include a human search assistant for assisting a user to search for documents on the Internet.

Turning to page 3 of the Action, the Examiner rightly states that Cupps et al. do not explicitly teach the limitation in claim 1 "wherein such human search assistant is a specialist in searching on the Internet." While there are comments which appear to be provided to support the notion that Cupps et al. implicitly teach a human search assistant that is a specialist in searching on the Internet, there is no objective teaching or specific principle identified in the disclosure of Cupps et al. of such a feature. Moreover, there is no suggestion or motivation in the disclosure of Cupps et al. of the desirability of modifying the methods and systems described therein to include a human search assistant that is a specialist in searching on the Internet.

Statement that modifications of cited art would have been well within the ordinary skill in the art at the time the claimed invention was made because all references relied upon teach that all aspects of the claimed invention were known in the art is not sufficient to establish prima facie obviousness without some objective reason to combine the teachings of the references.

Accordingly, in view of these observations, Applicants courteously submit that the present invention would not be obvious in view of the disclosure of Cupps et al. Withdrawal of this rejection is respectfully requested.

3. Rejection of claims 4, 6, 10-11 and 14 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,991,739 (Cupps et al.) in view of U.S. 2002/0087505 (Smith et al.)

Rejection of claims 15 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,991,739 (Cupps et al.) in view of U.S. 2002/0147047 (Letovsky et al.)

Both of the above-described rejections are currently addressed simultaneously on the basis that the disclosures of Smith et al. (effective filing date of December 29, 2000) and Letovsky et al. (effective filing date of November 1, 2000) have effective filing dates subsequent to the priority date of the present application. It will be noted that the present application claims the benefit of priority of document BE 2000/0496 filed August 7, 2000.

Accordingly, in view of the later filing dates, neither of the documents of Smith et al. and Letovsky et al. is available to the Examiner as effective prior art under U.S. laws.

Accordingly, withdrawal of the rejections based on the combination of the disclosures of Cupps et al. and Smith et al., and the combination of the disclosures of Cupps et al. and Letovsky et al., is respectfully requested.

4. Rejection of claim 12 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,991,739 (Cupps et al.) in view of U.S. Patent 5,913,214 (Madnick et al.)

As discussed above, the disclosure of Cupps et al. fails to disclose or suggest the basic method recited in claim 1 of the present application. Claim 12 directly depends from claim 1, and is thus patentable based on its dependency from claim 1 and its individually recited features.

The disclosure of Madnick et al. fails to make up for this shortcomings of the disclosure of Cupps et al. More specifically, the disclosure of Madnick et al. fails to provide any teaching that would provide motivation to include a human search assistant for assisting a user to search for documents on the Internet.

Accordingly, in view of these observations, Applicant respectfully submits that the method of claim 1, and hence the method of claim 12, would not be obvious in

Application No.: 09/922,811
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Art Unit: 2172

view of the disclosures to Cupps et al. and Mudnick et al. Withdrawal of this rejection is respectfully requested.

5. Conclusion

In view of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that claims 1-16 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's Attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written over a horizontal line.

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